

1 McGREGOR W. SCOTT  
United States Attorney  
2 VIRNA L. SANTOS  
Assistant U.S. Attorney  
3 Federal Courthouse  
2500 Tulare Street, Suite 4401  
4 Fresno, California 93721  
Telephone: (559) 497-4000  
5  
6  
7

8 IN THE UNITED STATES DISTRICT COURT FOR THE  
9 EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.  
14

SERAFIN RODRIGUEZ MENDOZA, et al.,

15 Defendants.  
16  
17  
18  
19  
20

No. 1:05cr00127 OWW

STIPULATION AND ORDER TO  
CONTINUE CHANGE OF PLEA  
HEARING

21 IT IS HEREBY STIPULATED by and between the parties hereto through their respective  
22 counsel, VIRNA L. SANTOS and SHEILA OBERTO, Assistant United States Attorneys for the  
23 government, and ANTHONY P. CAPOZZI, attorney for SERAFIN RODRIGUEZ MENDOZA  
24 and ERIC V. KERSTEN, attorney for ROSA LOPEZ MENDOZA, to continue the change of plea  
25 hearing for both defendants from September 5, 2006 to a new date of **September 25, 2006 at 9:00**  
26 **a.m.**

27 This continuance is necessary to permit defendants to obtain a significant portion of the  
28 estimated restitution prior to the entry of plea, as required the terms of the plea agreement.

1 Although the parties have endeavored to finalize the agreements between hearings, due to counsel  
2 unavailability, the requisite payment of partial restitution has yet to be made. The parties expect  
3 that this matter will be resolved by the new requested hearing date. If the matter should not be  
4 resolved additional time is needed by defendants to complete their investigation anticipation of  
5 trial.

6 All parties stipulate that time shall be excluded for the above purposes until the new  
7 hearing date of September 25, 2006, pursuant to 18 U.S.C. § 3161(h)(8)(A).

8 IT IS SO STIPULATED,

9 Dated: September 2, 2006

/s/ Virna L. Santos  
VIRNA L. SANTOS  
Assistant U. S. Attorney

11 Dated: August 31, 2006

/s/ Anthony P. Capozzi  
ANTHONY P. CAPOZZI  
Attorney for Serafin Rodriguez Mendoza

14 Dated: August 31, 2006

/s/ Eric V. Kersten  
ERIC V. KERSTEN  
Attorney for Rosa Lopez Mendoza

16 **ORDER**

17 The parties stipulated request to continue the hearing on this matter to **September 25, 2006**  
18 **at 9:00 a.m.** is hereby **GRANTED**. Time shall be excluded pursuant to 18 U.S.C. §  
19 3161(h)(8)(A) at both parties request to allow for further investigation by defense counsel.

20 IT IS SO ORDERED.

21 IT IS SO ORDERED.

22 **Dated: September 2, 2006**  
emm0d6

**/s/ Oliver W. Wanger**  
UNITED STATES DISTRICT JUDGE